


"RETAIN FOR SUBSEQUENT COUNCIL PUBLIC HEARING"



**CITY OF EL PASO, TEXAS
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**

M E M O R A N D U M

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
Patricia D. Adauto, Deputy City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Jorge E. Rousselin, Urban Planner 

SUBJECT: Council Agenda Item (Resolution)
Public Hearing: November 16, 2004

DATE: November 1, 2004

The following item has been scheduled for City Council action as noted above. Relevant information is attached. If you have any questions, please contact me at 541-4723.

- 1. DISCUSSION AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO A ZONING CONTRACT BETWEEN THE CITY OF EL PASO AND ANTONIO DIAZ AMENDING THE ZONING CONTRACT DATED APRIL 14, 1987 AND AS IMPOSED BY ORDINANCE NO. 8993 TO DELETE A CONDITION AND IMPOSE NEW CONDITIONS FOR THE PROPERTY DESCRIBED AS A PORTION OF TRACT 12A AND ALL OF TRACT 12B, BLOCK 51, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (9647 SOCORRO RD). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE. APPLICANT: ANTONIO DIAZ. ZON04-00120. (DISTRICT 6)**

c: George Sarmiento, Planning Director; Rudy Valdez, Chief Urban Planner; Esther Guerrero, Planning Tech.; Lisa A. Elizondo, City Attorney; Theresa Cullen-Garney, Deputy City Atty.; Matt Watson, Assistant City Atty.



PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: November 1, 2004

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
Patricia D. Adauto, Deputy City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Jorge E. Rousselin, Urban Planner

SUBJECT: **ZON04-00120:** Portion of Tract 12A and all of Tract 12B, Block 51,
Ysleta Grant

LOCATION: 9647 Socorro Rd (**District 6**)

PROPOSED USE: Release of contract condition

The City Plan Commission (CPC), on October 14, 2004, voted 5-0 to recommend **APPROVAL** of releasing condition No. 1 on the contract, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request the best interest, health, safety and welfare of the public in general; and that Private Streets is compatible with adjacent land uses.

There was **OPPOSITION** to this request.

Attachment: Ordinance, Staff Report

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to Contract between the City of El Paso and Antonio Diaz amending the Contract dated April 14, 1987, to delete a condition and impose new conditions for the property described as a Portion of Tract 12A and all of Tract 12B, Block 51, Ysleta Grant, in the City of El Paso, El Paso County, Texas, as described in Exhibit "A" attached herein.

ADOPTED this _____ day of _____, 20____.

THE CITY OF EL PASO

Joe Wardy,
Mayor

ATTEST:

Richarda Momsen,
City Clerk

APPROVED AS TO CONTENT:

Jorge E. Rousselin, Urban Planner
Planning, Research & Development Dept.

APPROVED AS TO FORM:

Kevin Elkins, Assistant City Attorney

APPROVED AS TO CONTENT:

Rudy Valdez, Chief Urban Planner
Planning, Research & Development Dept.

THE STATE OF TEXAS	}	
	}	AMENDMENT TO CONTRACT
COUNTY OF EL PASO	}	

WHEREAS, a contract was entered into on April 14, 1987 by and between Onesimo Elias, Adrea G. Elias, Estela Ramirez, and the City of El Paso, Texas, a home-rule municipal corporation, hereinafter referred to, respectively, as First Party, and Second Party, placing conditions on real property to include all of Tract 12A, 12B, and 13A, Block 51, Ysleta Grant, City of El Paso, in El Paso County, Texas, and being more particularly described in Exhibit "A", which is attached hereto and made a part hereof; and

WHEREAS, Antonio Diaz has applied for amendment of the Contract to delete a restriction as to a portion of Tract 12A and all of Tract 12B; and

NOW, THEREFORE, the Contract dated April 14, 1987 is hereby amended to delete condition number (1) as to Tract 12A and all of Tract 12B. Conditions number 2, 3, and 4 shall remain in effect in its entirety. In addition, the applicant shall provide:

1. A building setback of thirty feet (30') at the Eastern boundary of the subject tract abutting residential zoned properties; and
2. Include a ten feet (10') wide landscape buffer abutting residential zoned properties located on the Northern and Eastern property line; and
3. A Detailed Site Development Plan to be approved by the City Plan Commission prior to the issuance of building permits.

Except as herein amended, all provisions of the Contract referenced above retain full force and effect.

EXECUTED this _____ day of November, 2004.

THE CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:

Jorge E. Rousselin, Urban Planner
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:

Kevin Elkins, Assistant City Attorney

(Acknowledgments on following page)

By:

Antonio Diaz

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of
_____, 2004, by _____ as
_____, on behalf of **Antonio Diaz**, as Applicant.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

CONTRACT

THE STATE OF TEXAS)

COUNTY OF EL PASO

CONTRACT

THIS CONTRACT made this 14th day of April, 1987, by and between ONESIMO ELIAS, ANDREA G. ELIAS and ESTELA RAMIREZ, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for the rezoning of all of Tracts 12A, 12B and 13A, Block 51, Ysleta Grant, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-F (Ranch/Farm) to C-4 (Commercial) and A-2 (Apartment) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Any apartments constructed on Parcel 2 shall be limited to one story in height.
2. Within ninety (90) days of approval of the zoning change, a subdivision plat must be filed of record.
3. The property owners must dedicate thirty (30) feet of right-of-way for widening of Socorro Road, upon the passage of the ordinance by City Council.
4. The property owner must provide a fifteen (15) foot wide landscaped area across the entire front of the property adjacent to Socorro Road, within ninety (90) days of approval of the rezoning request by the Mayor and City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any

Ord. # 8993 (4-14-87)
reed



Exhibit "B"

other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTIES:
ONESIMO ELIAS

[Signature]

ANDREA G. ELIAS

[Signature]

ESTELA RAMIREZ

[Signature]

SECOND PARTY:
THE CITY OF EL PASO

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Department of Planning,
Research and Development

THE STATE OF TEXAS)
COUNTY OF EL PASO)

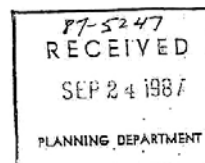
This instrument was acknowledged before me on this 17th
day of September, 1987, by ONESIMO ELIAS.

My Commission Expires:

1/26/89

[Signature]
Notary Public, State of Texas

SIGNATURES CONTINUED ON NEXT PAGE



STAFF REPORT

Zoning Condition Release: ZON04-00120

Property Owner(s): Antonio Diaz

Applicant(s): Same

Representative(s): Same

Legal Description: Portion of Tract 12A, Tract 12B, Block 51, Ysleta Grant

Location: 9647 Socorro Rd.

Representative District: # 6

Area: 3.58 Acres

Present Zoning: A-2/sc (Apartment/special contract)

Present Use: Vacant

Proposed Request: Zoning contract release

Proposed Use: Two story apartments

Surrounding Land Uses:

North -	R-3 (Residential) / Residences
South -	R-4/sc (Residential/special contract) / Residences
East -	R-4/sc (Residential/special contract) / Residences
West-	C-4/sc (Commercial/special contract) / Salvage yard

Year 2025 Designation: Residential (Lower Valley Planning Area)

**CITY PLAN COMMISSION HEARING, October 14, 2004,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Condition Release: ZON04-00120

General Information:

Ordinance No. 8993, dated April 14, 1987, rezoned with conditions the property as A-2/sc (Apartment/special contract). The following conditions were imposed by the City Council in order to approve the rezoning:

- 1. Any apartments constructed on Parcel 2 shall be limited to one story in height*
- 2. Within ninety (90) days of approval of the zoning change, a subdivision plat must be filed of record.*
- 3. The property owners must dedicate thirty (30) feet of right-of-way for widening of Socorro Road, upon the passage of the Ordinance by City Council.*
- 4. The property owner must provide a fifteen (15) foot wide landscaped area across the entire front of the property adjacent to Socorro Road, within ninety (90) days of approval of the rezoning request by the Mayor and City Council.*

The applicant is requesting that condition #1 as stated in Ordinance No. 8993 be removed.

The property is currently zoned A-2/sc (Apartment/special contract). The site is currently vacant and is 3.58 acres in size. The proposed site plan depicts a two-story apartment complex to be accessed from Socorro Rd. The applicant is requesting a release of condition #1 as stated in Ordinance No. 8993 in order to permit two story apartments on the entire portion zoned A-2/sc (Apartment/special contract) and a portion in C-4 (Commercial).

Information to the Commission:

The Planning Department has received one (1) phone call in **OPPOSITION** to this application and a petition with twenty-three (23) signatures in **OPPOSITION** to this request.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for contract condition **release**. Its recommendation is based on the following:

Although the proposed use is in accordance with and in furtherance of *The Plan for El Paso* and A-2/sc (Apartment/special contract) zoning district permits **two-story apartment development**, such proposal will not be compatible with adjacent development.

Based on the decision by the City Council to limit apartment development to one-story buildings

The property owner has **not complied** with conditions No. 2 & No. 4 of the contract.

The Commission must determine the following:

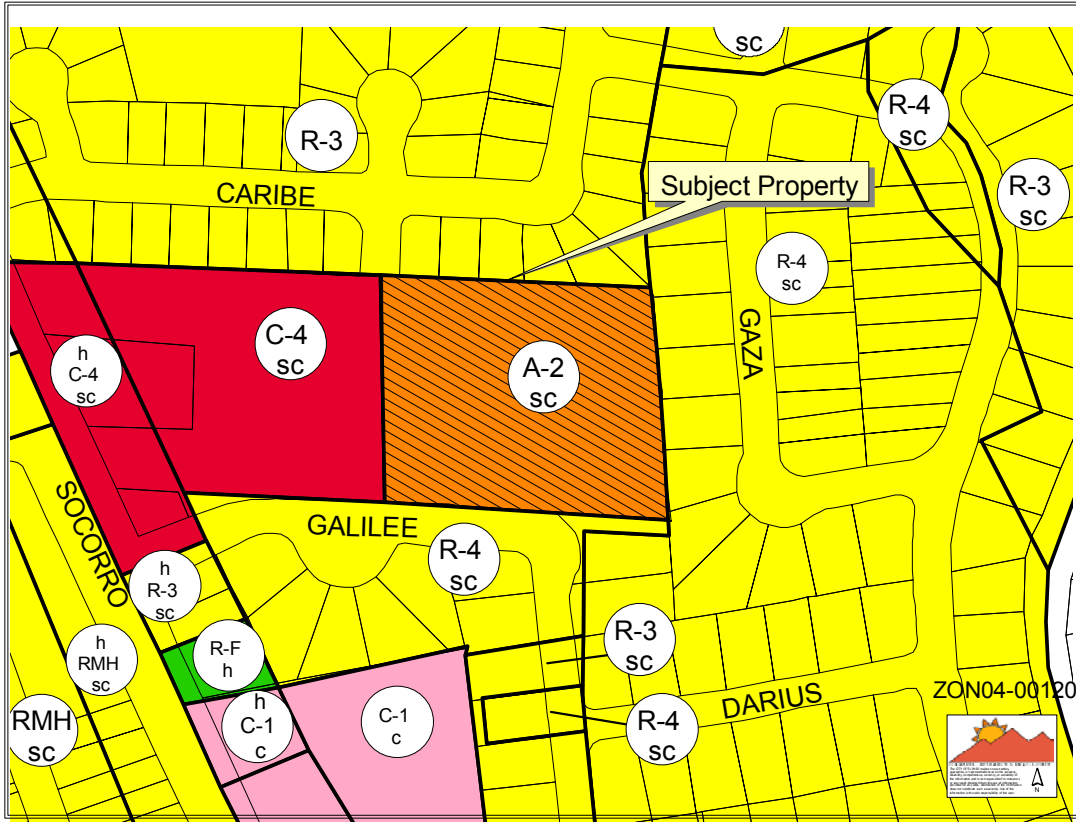
Will the **release** of zoning conditions No. 1 on the subject property protect the best interest, health, safety and welfare of the public in general?

Information To The Applicant:

- Building Permits and Inspections Department, Zoning Division Notes:
 - Recommends approval of zoning condition release
- Engineering Department, Development Division Notes:
 - See attachment 1
- Engineering, Traffic Division Notes:
 - See attachment 2
- Fire Department Notes:
 - Contract condition release does not adversely affect the Fire Department
- El Paso Water Utilities Notes:
 - No comments submitted
- Planning, Research and Development Department Notes:
 - Recommends denial based on the following:
 - Although A-2/sc (Apartment/special contract) zoning district permits **two-story apartment development**, such proposal will not be compatible with adjacent development.
 - Based on the decision by the City Council to limit apartment development to one-story buildings
 - The property owner has **not complied** with conditions No. 2 & No. 4 of the contract.

ATTACHMENT: Location Map; Site Plan; Department Comments

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.



ZONING MAP

112 UNIT APARTMENT COMPLEX
AMERICAS APARTMENTS
 9730 GALILEE DRIVE EL PASO, TEXAS 79927



REVISED SITE PLAN



AERIAL

**Engineering Department
DEVELOPMENT DIVISION
COMMENTS**

TO: **PLANNING DEPARTMENT**

DATE: **September 27, 2004**

FROM: **ENGINEERING DEPARTMENT**

ADDRESS: **9647 Socorro Rd.**

ATTN: **Kimberly Forsyth, Fred Lopez, or
Release.
Jorge Rousselin, Urban Planners**

PROPOSED USE: **Zoning Contract**

CASE NO.: ZON04-00120 PROPOSED ZONE: A-2

REQUEST: Rezoning from A-2 to A-2

LEGAL DESCRIPTION: Tract 12B, Blk 51, Ysleta Grant

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Sidewalks & wheel chair ramps will be required,
- ☒ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☒ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☒ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☒ 10. No water runoff allowed unto any abutting Street.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location is **not** located within the Special Flood Hazard Area. Zone **C**, Panel **50 B**.

Bashar Abugalyon, P. E.
Chief Development Engineer

DISTRICT: **6**



ENGINEERING DEPARTMENT

Traffic Division
memorandum

TO: Fred Lopez, Planner II
Kimberly Forsyth, Planner II
Planning Department

FROM: Traffic Division

DATE: September 24, 2004

SUBJECT: ZON04 – 00120 9647 Socorro Road
Zoning Change from A-2 to A-2 Contract Release

Regarding the above referenced DCC item, the Traffic Division has the following comments:

- **No apparent traffic concerns with the proposed zoning change.**

NOTE: Sidewalks shall be provided on Galilee

Should your office or the applicant have any questions or comments regarding these issues, please contact Margarita Molina, at 541-4223.